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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,850	05/03/2002	Hendricus Antonius Hoogland	294-117 PCT/US	8420

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EXAMINER

CRAWFORD, GENE O

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,850

Applicant(s)

HENDRICUS, HOOLAND

Examiner

Gene O. Crawford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 15-17, 34 and 35 is/are allowed.
- 6) ☒ Claim(s) 18, 19, 21, 24-28 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 20, 22, 23, 29 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The newly proposed figure 2 of the drawings was received on January 8, 2004.

This drawing is approved and the objection to the drawings is withdrawn.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 18, 21 and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Windau.

The device for storage and conveyance of articles includes all the claimed features and in particular includes: **(claim 18)** at least one tier 30, comprising at least one conveyance circuit for holders 230 (column 1, lines 50-54), at least two longitudinal paths 40, 41 that slope in opposite directions (figures 1, 4), transverse tracks 154, 155 movable in the vertical direction at opposite ends of the longitudinal paths for transferring holders to and from longitudinal paths, lifting means 180, 181 provided for moving the transverse tracks 154, 155 in the vertical direction; **(claim 21)** the transverse tracks 154, 155 being formed by rotatable discs 86 disposed one after the other in the longitudinal direction of a transverse track; **(claim 25)** blocking means 126 for retaining a carrier; and **(claims 26-28)** a supply point and removal point situated at the same end of the longitudinal paths where the height difference is minimal as broadly claimed.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 19, 24 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windau in view of Mizuno et al.

With regard to claims 19 and 24, Windau includes all the claimed features but does not disclose the broad teaching of providing rows of spaced apart wheels and spacers on the bottom of the carriers. However, Mizuno et al. discloses a conveyance circuit having two longitudinal paths with transverse section at the ends of the paths having carriers that include rows of spaced apart wheels 14 and spacers 34, 35. It would have been obvious to one of ordinary skill in the art to provide the carriers of Windau include spaced apart wheels and spacers for facilitating transfer of the carriers along the paths and for eliminating bumping action of the carriers as they are transferred along the conveyance circuit as taught by Mizuno et al.

With regard to claims 30 and 32, Windau includes all the claimed features but does not disclose the broad teaching of providing multiple tiers with several conveyance circuits disposed next to each other. However, Mizuno et al. discloses a conveyance system having multiple tiers with several conveyance circuits disposed next to each other (figure 19). It would have been obvious to one of ordinary skill in the art to provide the system of Windau include multiple tiers with several conveyance circuits disposed next to each other to facilitate a system with high handling capacity as taught by Mizuno et al.

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With regard to claim 31, Windau includes all the claimed features but does not disclose the number of carriers transferred in the traverse section is less than the number moved along the longitudinal section. However, Mizuno et al. discloses a conveyance circuit having two longitudinal paths with transverse section at the ends of the paths having carriers 1 where the number of carriers in the transverse path (i.e. longitudinal car transfer) is less than the number in the two longitudinal paths (i.e. lateral side car transfer) (figure 2). It would have been obvious to one of ordinary skill in the art to provide the conveyance system include the number of carriers in the transverse path is less than the number in the two longitudinal paths such requiring the mere choice of an art recognized configuration for transferring carriers as taught by Mizuno et al.

Allowable Subject Matter

6. Claims 1-13, 15-17, 34 and 35 are allowed.
7. Claims 20, 22, 23, 29 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: a device for storage and conveyance of bulky holders including the unique features of (i) 'the longitudinal paths including open spaces between the guides'; (ii) 'a carrier including guides for accommodating and guiding the rotatable discs'; (iii) 'a detection system for detecting a unique code is present on a holder'; and/or (iv) 'each

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longitudinal path sloping at angle of 0.2 degrees' all in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

9. The following is an examiner's statement of reasons for allowance: a device for storage and conveyance of holders having two longitudinal paths and transverse transfer sections at the ends of the paths including the unique features of 'the longitudinal paths having guides with open spaces present between the guides for accommodating the presence the transverse tracks' and 'the underside of the carrier having guides for accommodating and guiding the rotatable discs disposed on the transverse tracks' both in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

10. Applicant's arguments filed January 12, 2004 have been fully considered but they are not persuasive. With regard to claim 18, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the longitudinal paths not being movable in the vertical direction) are not recited in the rejected claims. Although the claims are

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interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge of carriers having wheels disposed on the bottom for transferring the carriers throughout a conveyance circuit and bumpers for limiting contact of the carriers within the conveyance circuit was generally known and available to one of ordinary skill in the art.

Furthermore, applicant's argument that Mizuno et al. does not disclose a device having an inclined surface, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Hence, for the foregoing reasons claims 18, 19, 21, 24-28 and 30-32 stand rejected.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GENE O. CRAWFORD
PRIMARY EXAMINER